

**Notice of Allowability**

Application No.

09/928,828

Examiner

Hoang-Vu A Nguyen-Ba

Applicant(s)

MCGUIRE, RICHARD KENNETH

Art Unit

2122

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed 9/27/04.
2. ☒ The allowed claim(s) is/are 1-24.
3. ☒ The drawings filed on 13 August 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

*Hoang Vu A Nguyen-Ba*

**ANTONY NGUYEN-BA  
PRIMARY EXAMINER**

### **DETAILED ACTION**

1. This action is responsive to the amendment filed September 27, 2004.
2. Claims 1-24 are pending.

### ***Response to Amendments***

3. Per Applicants' request, claims 1, 3, 5, 7, 8, 9, 11, 13, 15, 16, 17, 19, 21, 23 and 24 have been amended.
4. The rejection of claims 1, 9 and 17 under 35 U.S.C. § 112, second paragraph as being indefinite is withdrawn in view of Applicants' amendments to these claims to give proper antecedent basis to the term "constant pool entry."
5. The rejection of claims 7, 8, 15, 16, 23 and 24 under 35 U.S.C. § 112, second paragraph as being indefinite for containing trademark or trade name in the claims is withdrawn in view of Applicants' amendments to these claims to replace "Java virtual machine" with "bytecode environment."
6. The rejection of claims 9-16 under 35 U.S.C. § 101 as being directed to non-statutory subject matter is withdrawn in view of Applicants' amendments to these claims to recite that the claimed software components are tangibly embodied by a memory device.
7. The rejection of claims 1-24 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,338,160 to Patel et al. in view of U.S. Patent No. 6,374,286 to Gee et al. is withdrawn in light of Applicants' persuasive arguments.

### ***Examiner's Amendment***

8. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as

provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

Claim 12: insert a comma – , – after “wherein the retrieving” in line 1;

Claim 16: delete the article “the” before “processing in another bytecode environment” in line 4;

Claim 17: insert a comma – , – after “in the constant pool” in line 6;

Claim 19: replace the colon “ : ” with a semi-colon – ; – after “value of the data item” in line 3.

#### *Examiner’s Statement of Reasons for Allowance*

9. Claims 1-24 are allowed.

10. The following is an examiner’s statement of the reasons for allowance.

The Examiner concurs with Applicants that the prior art of record, taken individually or in combination, fails to teach or suggest a constant pool entry having an unresolved value field for maintaining an unresolved value and a resolved value field for maintaining a resolved value. Instead, Patel teaches an indication field and a resolution data field. Furthermore, Patel and/or Gee fail to teach or suggest maintaining both the unresolved value and the resolved value in the constant pool entry for the data item. Instead, Patel and/or Gee implicitly teaches that because the resolved data overwrites the data in the indication field, the unresolved data never resides in the entry of Patel constant pool simultaneously with the resolved data.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submission should be clearly labeled “Comments on Statement of Reasons for Allowance.”

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoang-Vu "Antony" Nguyen-Ba whose telephone number is (571) 272-3701. The Examiner can normally be reached on Tuesday-Friday, 6:45 to 16:45.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Tuan Dam can be reached at (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**ANTONY NGUYEN-BA  
PRIMARY EXAMINER**

Art Unit 2122

January 21, 2005